

Westfield-Washington Advisory Plan Commission held a special meeting on Tuesday, January 3, 2012 scheduled for 7:00 PM at the Westfield City Hall.

Opening of Meeting: 7:00 PM

Roll Call: Note Presence of a Quorum

Commission Members Present: Robert Smith, Dan Degnan, Steve Hoover, Robert Horkay, Bill Sanders, Robert Spraeetz, Cindy Spoljaric (7:02), and Danielle Tolan.

City Staff Present: Matthew Skelton, Director; Jennifer Miller, Assistant Director; Andrew Murray, Planner; and Brian Zaiger, City Attorney

Minutes:

Motion: To approve the minutes for the December 12, 2011 Special Meeting as presented.

Motion: Tolan; Second: Hoover; Vote: Passed by voice vote

Miller reviewed the Advisory Plan Commission Rules of Procedure.

ITEMS OF BUSINESS

Case No.	1112-ZOA-05
Petitioner	City of Westfield
Description	Petitioner is proposing a zoning text amendment to the Westfield-Washington Township Zoning Ordinance to add section WC 16.04.076 – Trail Overlay Zone.

Murray presented the details of the petition stating that the proposal of the Trail Overlay Zone ordinance is a recommendation of the City Council Committee on Ordinance Revisions. He further stated that this is very similar to the State Highway 32 Overlay Ordinance, which was approved in 2011. He added that the intent of the ordinance is to preserve and enhance the aesthetic qualities and safety of the City's trail corridors. Murray stated that, as proposed, the ordinance would apply to all major named trails, i.e. Monon and Midland Trace Trail, and will apply to any petition, application, improvement, or development that precede as a change in zoning, variance of use, development plan review or subdivision platting. He noted that the key components of the ordinance include: additional trail buffer landscape requirements; 60% masonry building requirement to each building elevation; architectural requirements; setback standards; and additional signage opportunities for properties along a trail. He mentioned that the ordinance needs to be clarified so that it clearly states that it would not apply to individual residential homes.

A Public Hearing opened at 7:11 p.m.

Dr. Ginny Kelleher thanked staff for addressing her initial concerns regarding what exactly was being covered in the ordinance regarding residential properties. She stated that the architectural design standards are basically for commercial development, but believes these designs should not be applied to residential development. She asked that the City consider using design standards already in DPR. She

expressed concern about walls and fencing, stating that farm fencing would not be allowed in the 100 foot overlay. She further stated that this would mean that all those living along Eagle Creek, for example, would not be able to use that as pasture. She provided staff with a document including her questions and notes.

Mr. Paul Reece does not think any thought has been given to how Little Eagle Creek floods and asked if the ground would be raised to keep the trail out of the flood plain. He also expressed concern with a trail coming through his property, because it was his understanding that an agreement was made when the sewer was installed that no trails would come through there.

Mr. Bob Whitmoyer believes that it is unfair for the City to take a 50-foot strip of land along his farm without pay. He explained that according to his calculations, he believes that the value of his ten-acre plot will decrease by 18% if the ordinance is passed. He further asked about City property being exempt from the ordinance. He also asked what kind of a problem will be solved with this new ordinance.

Ms. Linda Naas believes that the ordinance is written for the City and not near enough consideration has been given to the land owners. She stated that she used to own a 20-acre horse farm and has lost a considerable amount of her property due to the trail. She stated that roughly 950 acres of privately-owned property would be affected in order to build 16-foot-wide trails. She further stated that 133 feet on each side are affected by the proposed trail overlay ordinance or are encompassed by restrictions in this ordinance. She also expressed concern that the pictures in the ordinance do not match the wording, regarding the screening. She asked who is protecting the existing abutting property owners and their lifestyle and their safety.

Ms. Janet Sanders believes that this ordinance is full of unintended consequences that do not fairly treat the land owners. She also believes that the ordinance is highly discriminatory of anyone who is close to the trail. She also stated that she believes that the City does not want to pay.

The Public Hearing closed at 7:38 p.m.

Zaiger stated that there are always setbacks on properties, and the setbacks change based upon the adjacent uses. He further stated that this ordinance will not be applicable to residential uses and will not be implemented unless there is a permitting process and discretionary approval required, like a rezone or a variance requested that will change the impact of the property.

Sanders stated that the ordinance does not provide the property owner the opportunity to restore, replace, repair, or maintain that fence. He also suggested that the Council Committee have more public involvement and include some members who are residents abutting the trail.

Degnan suggested that linkages be made to what is in the Comprehensive Plan regarding trails, parks, and ordinances.

Petitioner	Interbody, Inc.
Description	1021 Kendall Court; Petitioner requests a Development Plan Review and a Site Plan Review for a new facility on approximately 1 acre.

Murray presented details of the petition, which is to accommodate the relocation of Interbody, Inc., which is an auto service salvage company. He stated that the current site is being displaced due to the US 31 Major Moves Project. He added that the proposed development will include outdoor storage area for cars to the rear of the subject property. He added that the storage area will be fully enclosed with opaque materials and have landscaping to soften the appearance of the storage area. He also stated that there are a few items which still need to be submitted for review, including a lighting plan, revised landscape plan and revised building elevations to ensure that the roof mounted mechanicals are properly screened.

A Public Hearing opened at 8:00 p.m.

No one spoke, and the Public Hearing closed at 8:01 p.m.

ADJOURNMENT (8:02 p.m.)

President, Robert Smith, Esq.

Vice President, Cindy Spoljaric

Secretary, Matthew S. Skelton, Esq.